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NOTES OF CASES.

Damages—Mental Suffering—Conflict of Laws.—The rule, as to recovery of damages for mental suffering, of the State where a telegram is presented for transmission, and not that of the State where it is to be delivered, is held, in *Johnson v. Western U. Teleg. Co.* (N. C.), 10 L. R. A. (N. S.), 256, to govern in an action for damages for failure to deliver a telegram, although the suit is brought in the latter State.

First-Class Theater.—The New York County Court, in construing a lease in the case of *In re Schoelkopf*, 105 New York Supplement, 477, was required to define what is a first-class theater. The lease provided that the premises should be used for a theater of the first class for the production of plays of the highest order. The court says: "From the evidence admitted in the case, it appears that there are certain classes of theaters and theatrical attractions, and that plays are divided into high (the first) class, popular price (or second class), melodramas, vaudeville, and burlesque." In view of this, the court holds that a first-class theater is not maintained by the production of theatricals of the last class above mentioned, though such attractions be of the first class of their kind.

Right of Wife to Sue for Alienation of Husband's Affections.—Oregon, like many other states, has a statute removing all disabilities upon a wife which are not imposed or recognized as existing as to the husband. Under this statute the Supreme Court of that state in *Keen v. Keen*, 90 Pacific Reporter, 147, holds that a wife may maintain an action for alienation of her husband's affections. As supporting authorities the court cites *Postlewaite v. Postlewaite*, 1 Ind. App. 473, 28 Northeastern Reporter, 99; *Beach v. Brown*, 20 Wash. 266, 55 Pacific Reporter, 46, 43 L. R. A. 114, 72 Am. St. Rep. 98. As to the state authorities on this proposition the court says: "In a few of the states it has been ruled by the courts of last resort that such an action cannot be maintained; but where modern legislation recognizes the doctrine that the wife has rights which the court should respect, reason and a great weight of authority uphold the principle that for the loss of consortium, which includes the husband's society, love, and assistance, the law now affords her an adequate remedy."

Constitutional Law—Slavery.—South Carolina has a law providing that any laborer working for a share of the crop or for wages in money or other valuable consideration under a contract for labor on farm land who shall receive advances either in money or supplies, and thereafter willfully and without just cause fail to perform the reasonable service required of him by the terms of the contract, shall